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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.20144 of 2018

and

W.M.P.(MD)No.17893 of 2018

N.Rajagarani

... Petitioner

vs.

1.The Registrar of Co-operative Societies,
170,N.V.Natarajan Maligai,
Periyar EVR High Road,
Kilpauk, Chennai - 10.

2.The Registrar of Co-operative (Housing),
Tamil Nadu Co-operative Housing Federation Complex,
48, II Floor, Ritherdon Road,
Veperi, Chennai - 07.

3.The Joint Registrar of Co-operative Societies,
Thanjavur Region,
Thanjavur.

4.The Deputy Registrar of Co-operative Societies,
Pattukkottai.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order issued by the third Respondent in his proceedings Na.Ka.970/2017/Ka, dated 31.08.2018 and quash the same and consequently directing the Respondents to allow the Petitioner to go on voluntary retirement forthwith.

For Petitioner

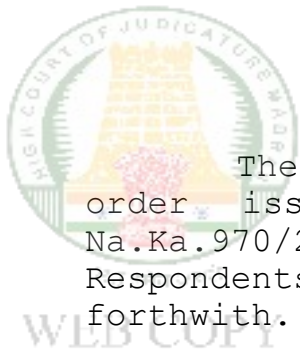
:Mr.T.N.Rajagopal for

Mr.M.V.Venkataseshan

For Respondents

: Mr.V.Anand

Government Advocate

**ORDER**

The Writ Petition is filed seeking to quash the impugned order issued by the third Respondent, in his proceedings Na.Ka.970/2017/Ka, dated 31.08.2018 and consequently direct the Respondents to allow the Petitioner to go on voluntary retirement forthwith.

2. The case of the petitioner is that while she was working as Co-operative Sub-Registrar at Kumbakonam, she was directed to report to Joint Registrar, Thanjavur. Challenging the same, she filed W.P.(MD)No.5044 of 2007, wherein she got an order of interim stay. However, the petitioner was transferred to Pattukkottai. Hence, she initiated contempt proceedings against the respondents, due to which, the respondents withdrew the order of transfer, however not permitted the petitioner to work. Subsequently, W.P. (MD)No.5044 of 2007 was disposed of, vide order dated 05.12.2007 by directing the respondents to retain the petitioner at the same place and disburse the salary for the period during which she was not allowed to work, against which, the respondents preferred an appeal in W.A.(MD)No.646 of 2008 and the same was dismissed, vide judgment dated 27.10.2010 Pursuant to the dismissal of the writ appeal, the respondents paid the salary for the disputed period also. Now, the petitioner submitted a letter for voluntary retirement on 28.05.2018 and the same was negatived by the respondents, vide the impugned order dated 31.08.2018 by stating that the period during which she was not allowed to work, has not been regularised. Aggrieved against the said order, the present Writ Petition has been filed by the petitioner.

3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. On a perusal of the records, it shows that the petitioner's claim seeking voluntary retirement came to be rejected on the ground that the petitioner's service period from 11.06.2007 to 22.11.2007 has not been regularised. The said stand had already been considered by this Court in W.P.(MD)No.5044 of 2007, dated 05.12.2007, wherein the said period was directed to be regularised and accordingly, the said order was complied with and the salary was also paid to the petitioner. The order of this Court came to be challenged in W.A.(MD)No.646 of 2008 and the same was also dismissed by judgment dated 27.10.2010. Under the said circumstances, the impugned order, dated 31.08.2018 passed by the third respondent has no legs to stand and the same is liable to be quashed.

5. Accordingly, the Writ Petition stands allowed and the impugned order is quashed. The respondents are directed to consider the claim of the petitioner seeking voluntary retirement and pass appropriate orders within a period of four weeks from the date of



receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar (CS)

To

- 1.The Registrar of Co-operative Societies,
170,N.V.Natarajan Maligai,
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- 3.The Joint Registrar of Co-operative Societies,
Thanjavur Region, Thanjavur.
- 4.The Deputy Registrar of Co-operative Societies,
Pattukkottai.

+2cc to Mr.M.V.Venkataseshan, Advocate, SR.No.58969

+1cc to M/s.Special Government Pleader,SR.No. 59718

W.P (MD) No.20144 of 2018

and

W.M.P. (MD) No.17893 of 2018

04.04.2019

SSL

KK/SAR/30.04.2019/ 3P- 8C

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